

Hawell
MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

*A resolution of the Senate of the 29th January, relative to correspondence
on the subject of Oregon.*

FEBRUARY 9, 1846.

Read, and ordered to lie on the table, and be printed.

To the Senate of the United States:

In compliance with the request of the Senate, in their resolution of the 29th of January last, I herewith communicate a report from the Secretary of State, with the accompanying correspondence, which has taken place between the Secretary of State and the minister of the United States at London, and between the "government of the United States and that of England," on the "subject of Oregon," since my communication of the 2d of December last was made to Congress.

JAMES K. POLK.

WASHINGTON, February 7, 1846.

LIST OF ACCOMPANYING PAPERS.

Mr. Buchanan to Mr. McLane, (extracts,) December 13, 1845.
Mr. McLane to Mr. Buchanan, (extracts,) January 3, 1846.
Mr. Pakenham to Mr. Buchanan, December 27, 1845.
Mr. Buchanan to Mr. Pakenham, January 3, 1846.
Mr. Pakenham to Mr. Buchanan, January 6, 1846.
Mr. Pakenham to Mr. Buchanan, January 16, 1846.
Mr. Buchanan to Mr. Pakenham, February 4, 1846.

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DEPARTMENT OF STATE,

Washington, February 5, 1846.

The Secretary of State, to whom has been referred a resolution of the Senate of the 29th of January last, requesting the President "to communicate to the Senate any correspondence which may have taken place between the government of the United States and that of England, or its ministers, or between the government of the United States and ministers of the United States abroad, on the subject of Oregon, since the last communication of the President, so far as, in his judgment, such communication may be made without prejudice to the public interests," has the honor to lay before the President the accompanying papers.

All which is respectfully submitted.

JAMES BUCHANAN.

The PRESIDENT OF THE UNITED STATES.

Mr. Buchanan to Mr. McLane.

DEPARTMENT OF STATE,

Washington, December 13, 1845.

[No. 20.]

SIR:

The President has received information, from a variety of sources, which he cannot disregard, that Great Britain is now making extensive warlike preparations. As her relations with all the powers of Europe seem at present to be of a peaceful character, the prevailing and natural inference here is that these preparations look to a rupture with the United States on the Oregon question. It is of vast importance that this government should, as early as possible, ascertain their true character. You are therefore instructed to embrace the first opportunity of bringing this subject to the notice of the Earl of Aberdeen, in such a manner as you may deem most expedient.

The President is also anxious to learn your own opinion upon this subject, with the least practicable delay.

I am, &c.,

JAMES BUCHANAN.

LOUIS McLANE, Esq., &c., &c., &c.

Mr. McLane to Mr. Buchanan.

[No. 30.]

LONDON, January 3, 1846.

SIR: I received on the 29th of December your despatch No. 20, dated the 13th of that month; and on the day following I sought an interview with Lord Aberdeen, in order that, in conformity with your instructions, I might bring to his notice the warlike preparations making by Great Britain, and, if possible, ascertain their real character and object.

It will not escape you that, upon such a subject, it is not always easy to obtain very categorical answers, or entirely definite official information;

and I did not doubt that a frank personal conference was the best, if not the only mode of obtaining any satisfactory information whatever.

In introducing the subject, I adverted, at the same time, to the information the President had received, from a variety of sources, of the extensive warlike preparations making by Great Britain, and the natural inference, upon his part, that in the present pacific state of the relations of Great Britain with all the powers of Europe, they could only look to a rupture with the United States on the Oregon question. * * *

Lord Aberdeen said, very promptly and frankly, that it would be improper to disguise that, with the sincerest desire to avoid it, they were obliged to look to the possibility of a rupture with the United States; and that, in such a crisis, the warlike preparations now making would be useful and important; but he stated at the same time, very positively and distinctly, that they had no direct reference to such a rupture, and would have been made in the same way, and to the same extent, without regard to the relations of Great Britain with the United States.

He also adverted to the fact that such preparations as were actually making had been commenced before the relations between the United States and Great Britain had become as serious as they now appeared to be, and therefore could not, at that time, have had any connexion with difficulties which had since grown out of the Oregon question. He thought, too, that the representations as to the extent of the preparations must have been exaggerated. He denied that they related particularly, as I had been informed, to a distant service, or that they were making any addition to the old form of marine. He stated that the most extensive and formidable parts of their preparations were the fortifications of the principal and exposed ports and stations, which he thought could hardly be supposed to guard against invasion from the United States; and the increase of the number of steam vessels in lieu of the old craft, which it appeared other nations were about to adopt, and which he confessed he thought a matter of doubtful policy. In short, he assumed the preparations in progress to be only a part of a wise and prudent system of national defence and protection, and of preparing in time of peace for the exigencies of war, if it should unfortunately come from any quarter whatever; and he distinctly repeated his disclaimer that they had particular or direct reference to a rupture with the United States on the Oregon question, or any other ground.

In regard to my own opinion upon this subject, which the President has been pleased to desire, * * *

it is altogether probable that the possibility of other difficulties from other quarters in Europe * * *

may have its influence in dictating the policy of the extensive preparations in progress in all parts of the kingdom; and, with unabated confidence in the frankness and straightforwardness of Lord Aberdeen, and without meaning to distrust in the slightest degree the sincerity of his disclaimers in our recent conversation, I do not think it ought to be assumed by any one that warlike preparations upon such a scale as that upon which they are undeniably making here could not have even an indirect reference to the possible contingency of a rupture with us. And, at the same time, it is perfectly obvious that they are in a

great degree, and especially so far as they consist of an augmentation in the number of steam vessels, and of the naval marine generally, precisely of the character to be the most appropriate and the most useful in a war with our country. I am not prepared to say, nor do I deem it material to decide, how far we have a right to expect an explicit disclaimer of the character and purposes of the warlike preparations now making by Great Britain, under the circumstances. They may be the dictate of various motives of policy, and the result of many causes; and, without attempting to assign to each its particular influence, I am by no means prepared to admit that the apprehension of difficulties with the United States has no share in them; and it is very clear that if a rupture with the United States should grow out of our present difficulties, this country will be as fully and effectually prepared for it at all points, and for all possible purposes, as if that, and that alone, had been the object of all her warlike preparations. She will be in a situation to act and strike as promptly and signally as she could have been with her energies exclusively directed to that end; and I feel it my duty to add, that not to expect, in case a rupture become unavoidable, that this government, thus in complete armor, will promptly and vigorously exert her utmost power to inflict the utmost possible injury upon our country and all its interests, would not be doing justice to such a crisis.

I think it ought to be expected—indeed, from all I learn, I cannot doubt—that in case of hostilities the aim of this government will be to strike its heaviest blow at the commencement, in the expectation of being thereby enabled to shorten the duration of the war.

I have the honor to be, &c.,

LOUIS McLANE.

HON. JAMES BUCHANAN,
Secretary of State, Washington.

Mr. Pakenham to Mr. Buchanan.

WASHINGTON, December 27, 1845.

An attentive consideration of the present state of affairs, with reference to the Oregon question, has determined the British government to instruct the undersigned, her Britannic Majesty's envoy extraordinary and minister plenipotentiary, again to represent in pressing terms to the government of the United States the expediency of referring the whole question of an equitable division of that territory to the arbitration of some friendly sovereign or State.

Her Majesty's government deeply regret the failure of all their efforts to effect a friendly settlement of the conflicting claims by direct negotiation between the two governments.

They are still persuaded that great advantages would have resulted to both parties from such a mode of settlement, had it been practicable; but there are difficulties now in the way in that course of proceeding which it might be tedious to remove, while the importance of an early settlement seems to become at each moment more urgent.

Under these circumstances, her Majesty's government think that a

resort to arbitration is the most prudent, and perhaps the only feasible step which could be taken, and the best calculated to allay the existing effervescence of popular feeling, which might otherwise greatly embarrass the efforts of both governments to preserve a friendly understanding between the two countries.

The government of the United States will see in the proposal, which the undersigned is thus instructed to make, a proof of the confidence of the British government in the justice of their own claim. They will also see in it a proof of the readiness of the British government to incur the risk of a great sacrifice for the preservation of peace, and of their friendly relations with the United States. It is made in a spirit of moderation and fairness, of which the world will judge.

The British government confidently hope that the government of the United States will not reject a proposal made with such a friendly intention, and for a purpose so holy.

There is nothing in it, they are convinced, not perfectly compatible with the strictest regard for the honor and just interests of both parties, particularly when it is considered of what small value to either is the portion of territory which in reality forms the subject of controversy, compared with the importance of preserving a state of peace and good will between two such nations.

The undersigned takes advantage of this opportunity to renew to the Hon. James Buchanan the assurance of his high consideration.

R. PAKENHAM.

HON. JAMES BUCHANAN, &c., &c.

Mr. Buchanan to Mr. Pakenham.

DEPARTMENT OF STATE,
Washington, January 3, 1846.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Pakenham, her Britannic majesty's envoy extraordinary and minister plenipotentiary, dated the 27th ultimo, by which, under instructions from his government, he proposes to the government of the United States "the expediency of referring the whole question of an equitable division of that (the Oregon) territory to the arbitration of some friendly sovereign or State."

The undersigned has submitted this note to the President, who, after having bestowed upon it that respectful consideration so eminently due to any proposition emanating from the British government, has instructed him to give to it the following answer:

The British government do not propose to refer to arbitration the question of the title to the Oregon territory, claimed by the two powers, respectively. It is a proposition to refer to a friendly sovereign or State merely the partition or "equitable division" of that territory between the parties. It assumes the fact that the title of Great Britain to a portion of the territory is valid; and thus takes for granted the very question in dispute. Under this proposition, the very terms of the submission would contain an express acknowledgment of the right of Great Britain to a portion of the territory, and would necessarily preclude the United States from claim-

ing the whole before the arbitrator. This, too, in the face of the note of the undersigned to Mr. Pakenham, of the 30th August last, by which the President had asserted, in the most solemn form, the title of the United States to the whole territory. Even if there were not other conclusive reasons for declining the proposition, this alone would be deemed sufficient by the President.

The President heartily concurs with the British government in their regret that all attempts to settle the Oregon question by negotiation have hitherto failed. He cannot, however, concur with that government in the opinion that a resort to arbitration, and especially to an arbitration on the terms proposed, would be followed by happier consequences. On the contrary, he believes that any attempt to refer this question to a third power would only involve it in new difficulties.

In declining this proposition, the President refers to the sentiment expressed in the note of the undersigned of the 30th August last, to which allusion has already been made, that he "cherishes the hope that this long pending controversy may yet be finally adjusted in such a manner as not to disturb the peace or interrupt the harmony now so happily subsisting between the two nations."

The undersigned avails himself of this occasion to renew to Mr. Pakenham assurances of his distinguished consideration.

JAMES BUCHANAN.

Right Hon. RICHARD PAKENHAM, &c., &c., &c.

Mr. Pakenham to Mr. Buchanan.

WASHINGTON, January 6, 1846.

The undersigned, her Britannic Majesty's envoy extraordinary and minister plenipotentiary, has had the honor to receive the note of the Secretary of State of the United States, dated the 3d instant, in answer to that of the undersigned, dated 27th ultimo, containing a proposal for referring the question of an equitable partition of the Oregon territory to the arbitration of some friendly sovereign or State.

The undersigned will take an early opportunity to transmit this communication to her Majesty's government.

The undersigned has the honor to renew to Mr. Buchanan the assurance of his distinguished consideration.

R. PAKENHAM.

The Hon. JAMES BUCHANAN, &c., &c., &c.

Mr. Pakenham to Mr. Buchanan.

WASHINGTON, January 16, 1846.

With an anxious desire to contribute, by every means in his power, to a satisfactory conclusion of the question pending between the two governments respecting Oregon, the undersigned, her Britannic Majesty's envoy extraordinary and minister plenipotentiary, has reflected on the contents

of the note addressed to him on the 3d instant by the Secretary of State of the United States, in answer to that which the undersigned had the honor to address to him on the 27th of last month.

The note of the undersigned proposed to the government of the United States that the whole question of an equitable partition of the Oregon territory should be referred to the arbitration of some friendly sovereign or State.

In his answer, the Secretary of State informed the undersigned that his proposition could not be accepted; that it did not propose to refer to arbitration the question of title to the Oregon territory, claimed by the two powers respectively. That in proposing to refer to a friendly sovereign or State merely the partition or equitable division of the territory between the parties, it assumes the fact that the title of Great Britain to a portion of the territory is valid, and thus takes for granted the very question in dispute. That under this proposition the very terms of the submission would contain an express acknowledgment of the right of Great Britain to a portion of the territory, and would necessarily preclude the United States from claiming the whole territory before the arbitrator; and this, too, the Secretary of State goes on to observe, in the face of his note to the undersigned of 30th August, by which the President had asserted, in the most solemn form, the title of the United States to the whole territory.

It is not the purpose of the undersigned, in the present note, to renew the discussion as to the title of either party (Great Britain or the United States) to the whole or to any part of the Oregon territory. He must, however, beg leave, with reference to the observation which he has just quoted, to remind the United States Secretary of State, that if the government of the United States have formally advanced a claim to the whole of the Oregon territory, it is no less certain that Great Britain has, in a manner equally formal, declared that she, too, has rights in the Oregon territory incompatible with the exclusive claim advanced by the United States.

This declaration, arising from a conviction equally sincere, will, the undersigned is persuaded, be viewed with the same consideration by the government of the United States as they expect that their own declaration should receive at the hands of the government of Great Britain.

This premised, the object of the undersigned in addressing to Mr. Buchanan the present communication is to ascertain from him whether, supposing the British government to entertain no objection to such a course, it would suit the views of the United States government to refer to arbitration, not (as has already been proposed) the question of an equitable partition of the territory, but the question of title in either of the two powers to the whole territory; subject, of course, to the condition, that if neither should be found, in the opinion of the arbitrator, to possess a complete title to the whole territory, there should, in that case, be assigned to each that portion of territory which would, in the opinion of the arbitrating power, be called for by a just appreciation of the respective claims of each.

The undersigned has suggested a reference, on the above principle, to some friendly sovereign or State.

This the undersigned believes to be the course usually followed in such cases: it is that which has already been resorted to by the two govern-

ments, (and more than once.) But there may be other forms of arbitration, perhaps more agreeable to the government of the United States.

There might be, for instance, a mixed commission, with an umpire, appointed by common consent, or there might be a board composed of the most distinguished civilians and jurists of the time, appointed in such a manner as should bring all pending questions to the decision of the most enlightened, impartial, and independent minds.

In the present position of affairs, and feeling how much the interests of both countries require an early as well as an amicable and satisfactory adjustment of existing difficulties, the undersigned earnestly invites the Secretary of State to take the subject of this note into consideration, with a view to such an arrangement, on the principle of arbitration, as may seem to the government of the United States to be most just, wise, and expedient.

The undersigned takes advantage of this opportunity to renew to the Hon. James Buchanan the assurance of his high consideration.

R. PAKENHAM.

HON. JAMES BUCHANAN, &c. &c. &c.

Mr. Buchanan to Mr. Pakenham.

DEPARTMENT OF STATE,

Washington, February 4, 1846.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Pakenham, her Britannic Majesty's envoy extraordinary and minister plenipotentiary, dated on the 16th ultimo, by which he again proposes a reference of the Oregon question to arbitration. Under his present proposition the powers of the arbitrator would not, as in his last, be limited in terms to the division of the territory between the parties, but would extend to the question of their conflicting titles. There is, however, a condition annexed to this offer which exposes it to the same objection, in point of fact, if not in form, which was prominently presented in the answer of the undersigned to Mr. Pakenham's last proposal. This condition is, "that if neither [party] should be found, in the opinion of the arbitrator, to possess a complete title to the whole territory, there should, in that case, be assigned to each that portion of territory which would, in the opinion of the arbitrating power, be called for by a just appreciation of the respective claims of each." If the government of the United States should consent to an arbitration upon such a condition, this might, and probably would, be construed into an intimation, if not a direct invitation, to the arbitrator, to divide the territory between the parties. Were it possible for the President, under any circumstances, to consent to refer the subject to arbitration, the title, and the title alone, detached from every other consideration, is the only question which could be submitted. If not confined to a single point, so strong is the natural disposition of arbitrators to please both parties, that, in almost every instance, whether of national or individual controversies, they make a compromising award. We have a memorable example of this in our last arbitration with Great Britain. Notwithstanding that the arbitrator, under the terms of the submission, was clearly and

explicitly confined to the decision of which was the line of highlands described in the treaty of peace of 1783, yet, instead of pursuing any range of highlands whatever, he advised that the line should run along the bed of a river, and actually divided the territory in dispute between the parties by "the middle of the deepest channel of the St. John's."

The undersigned might content himself, in answer to the present proposition, with a reference to the observations contained in his last note to Mr. Pakenham, of the 3d ultimo. In that, it was plainly intimated not only that there are "other conclusive reasons for declining the proposition," independently of the one which had been prominently stated, but it was expressly asserted as the belief of the President, "that any attempt to refer this question to a third power would only involve it in new difficulties."

The undersigned will, however, proceed to state a single reason which, apart from the intrinsic difficulty of selecting a suitable arbitrator, as well as other considerations that might be adduced, is conclusive on the mind of the President against a reference of this question to arbitration, in any form which can be devised, no matter what may be the character of the arbitrator—whether sovereign, citizen, or subject. This reason is, that he does not believe the territorial rights of this nation to be a proper subject for arbitration. It may be true that, under peculiar circumstances, if the interest at stake were comparatively small, and if both parties stood upon an equal footing, there might be no insuperable objection to such a course. But what is the extent of territory in dispute on the present occasion? It embraces nearly thirteen degrees of latitude along the northwest coast of the Pacific, and stretches eastward to the summit of the Rocky mountains. Within its limits several powerful and prosperous States of the Union may be embraced. It lies contiguous, on this continent, to the acknowledged territory of the United States; and is destined, at no distant day, to be peopled by our citizens. This territory presents the avenue through which the commerce of our western States can be profitably conducted with Asia and the western coasts of this continent, and its ports the only harbors belonging to the United States to which our numerous whalers and other vessels in that region can resort. And yet, vast as are its dimensions, it contains not a single safe and commodious harbor from its southern extremity until we approach the 49th parallel of latitude.

It is far from the intention of the undersigned again to open the discussion of the conflicting claims of the two powers to the Oregon territory. It is sufficient for him to state the continued conviction of the President that the United States hold the best title in existence to the whole of this territory. Under this conviction, he cannot consent to jeopard for his country all the great interests involved, and by any possibility, however remote, to deprive the republic of all the good harbors on the coast, by referring the question to arbitration.

Neither is the territory in dispute of equal, or nearly equal, value to the two powers. Whilst it is invaluable to the United States, it is of comparatively small importance to Great Britain. To her, Oregon would be but a distant colonial possession, of doubtful value, and which, from the natural progress of human events, she would not probably long enough enjoy to derive from it essential benefits; whilst to the United States it would become an integral and essential portion of the republic. The gain to Great Britain she would never sensibly feel; whilst the loss to the United States would be irreparable.

The undersigned is perfectly aware that such considerations can have no bearing upon the question of the title of either party. They are presented solely for the purpose of explaining the views of the President in his refusal to adopt any measure which should withdraw our title from the control of the government and people of the United States, and place it within the discretion of any arbitrator, no matter how intelligent and respectable.

The President cordially concurs with the government of Great Britain in desiring that the present controversy may be amicably adjusted. Of this he has given the strongest proof before the whole world. He believes that as there are no two nations on the earth more closely bound together by the ties of commerce, so there are none who ought to be more able or willing to do each other justice, without the interposition of any arbitrator.

The undersigned avails himself of this occasion to renew to Mr. Pakenham the assurance of his high consideration.

JAMES BUCHANAN

Right Hon. RICHARD PAKENHAM,

&c. &c. &c.